

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

J. BARRIOS, H. HERNANDEZ, D.
WHITE and FNU GUTIERREZ

Defendants.

Case No. 1:23-cv-00054-HBK (PC)

ORDER DISCHARGING ORDER TO SHOW
CAUSE WHY DEFENDANT GUTIERREZ
SHOULD NOT BE DISMISSED FROM THIS
ACTION FOR FAILURE TO PROVIDE
SUFFICIENT INFORMATION TO
EFFECTUATE SERVICE

(Doc. No. 33)

Plaintiff Durrell Anthony Puckett (“Plaintiff”) is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff proceeds on his first amended complaint (“FAC”) against Defendants Barrios, Hernandez, White, and Gutierrez for subjecting Plaintiff to unconstitutional conditions of confinement in violation of the Eighth Amendment. (*See* Doc. No. 12).

On February 17, 2023, the Court issued an order directing service on Defendant Gutierrez under the Court’s E-Service pilot program for civil rights cases for the Eastern District of California. (Doc. No. 18.) The order included information only identifying Gutierrez as a Correctional Officer with the last name Gutierrez. (*Id.* at 2.) On May 4, 2023, the Court received information that Defendant Gutierrez could not be identified. (Doc. No. 23). Accordingly, on June 8, 2023, the Court issued an order to show cause why Defendant Gutierrez should not be dismissed from this action for failure to provide sufficient information to effectuate service and

1 directed Plaintiff to file a response within thirty days. (Doc. No. 31.)

2 Currently before the Court is Plaintiff's response, filed June 23, 2023. (ECF No. 33.) In
3 his response, Plaintiff provides the following information regarding Defendant Gutierrez "He
4 worked 3rd watch (5) five days a week on 3A03 2021 Jan-Feb. He was White's partner." (*Id.* at
5 1). The undersigned notes that Plaintiff's FAC previously identified Gutierrez as a Correctional
6 Officer at CSP-Corcoran. (*See* Doc. No. 12).

7 In light of the additional identifying information provided for Defendant Gutierrez, the
8 Court will discharge the order to show cause and order a second attempt to serve Defendant
9 Gutierrez based on the new information provided.

10 Accordingly, it is ORDERED:

- 11 1. The June 8, 2023 order to show cause, (Doc. No. 31), is DISCHARGED; and
12 2. The Court will issue a separate order regarding E-Service on Defendant Gutierrez.

13
14 Dated: June 26, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE